IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 6548 of 1997

Mr. Mahesh Prabhudas Lawana .. Petitioner
V/s.
Union of India and Ors. .. Respondents

Mr. J.N. Pawar for the Petitioner
Mr. D.A. Dube for the Respondent Nos. 1 and 2
Mr. S.S. Rege for the Respondent No. 4

CORAM : DR. S. RADHAKRISHNAN &
R.S. MOHITE, JJ.
DATED : 09.12.2005.

P.C.:-

1. Heard the learned counsel for the Petitioner, the learned counsel for the Respondent Nos. 1 and 2 and the learned counsel for the Respondent No. 4. On identical set of facts, this Court had disposed of Writ Petition No. 3097 of 1997. Under the aforesaid facts and circumstances, we pass the following order:-

I. It is not in dispute that pursuant to the interim order granted by this court, letter of intent was issued to the Petitioners and thereafter each of the Petitioners has commissioned the outlet for which dealership was awarded. It is also not in dispute that petitioners were selected by the Oil Selection Board but since finalisation of panel by Oil Selection Board was not within 24 hours of the interview held, the respondent No. 2 viz. Ministry of Petroleum and Natural Gas, Government of India was of the view that selection was not in conformity with the guidelines and accordingly, the

impugned letter came to be issued. Taking overall facts and circumstances of the case including the fact that the petitioners have now commissioned the dealership since last few years into consideration, the learned counsel for the Petitioners and the learned counsel appearing for the Respondents agreed, in our view, justifiably, for the following order:-

i) The Secretary, Ministry of Petroleum and Natural Gas, Government of India or any other competent authority of the said Ministry as may be designated by him shall consider whether the Petitioners should be allowed to continue with the dealership which was given pursuant to the interim order passed by this court, despite the fact that the selection of the Petitioners was not strictly in conformity with the guidelines issued by Respondent No. 2.

ii) While dealing with the aforesaid aspect of the matter, the Secretary, Ministry of Petroleum and Natural Gas or for that matter the competent authority as may be designated by him shall also take into consideration the present policy of the Government of India on

the subject.

iii) Until the decision is taken by the concerned authority as aforedirected and for a period of two months from the date of receipt of such communication if adverse to the Petitioners, the Petitioners shall be entitled to continue with the retail outlet subject to fulfilment of terms and conditions of the agreement.

iv) All contentions of the parties are kept open to be agitated subsequently, if necessary.

II. Rule is disposed of in the aforesaid terms. No costs.

2. Issuance of Certified Copy expedited.

(DR. S. RADHAKRISHNAN, J.)

(R.S. MOHITE, J.)